

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HOUSTON CASUALTY COMPANY,

Plaintiff(s),

v.

INSPIRIT ATHLETICS INC., et al.,

Defendant(s).

CASE NO. C23-5107-KKE

ORDER RE-NOTING MOTION FOR  
LEAVE TO FILE AN AMENDED  
COMPLAINT

Plaintiff Houston Casualty Company filed a motion for leave to file a second amended complaint, and styled this motion as an “unopposed” motion noted for the same day it was filed. Dkt. No. 43. Plaintiff acknowledged, however, that although counsel had contacted counsel for all Defendants on May 22, 2025, only some Defendants responded to indicate that they did not oppose the motion. Dkt. No. 44 ¶ 6. Specifically, counsel for Defendant Jacob Jackson did not respond before the motion was filed on May 27, 2025, to indicate whether Jackson opposed amendment. *Id.* Plaintiff construed the lack of response as a lack of opposition that would permit the filing of the motion as “unopposed.” *Id.* ¶ 7.

The Court does not construe Plaintiff’s motion as truly “unopposed.” Jackson’s failure to respond to Plaintiff’s counsel’s email does not constitute a failure to oppose Plaintiff’s motion.<sup>1</sup>

---

<sup>1</sup> This is not the first instance where Jackson’s counsel has failed to timely respond to communications from opposing counsel, however. *See* Dkt. No. 38. As these situations make clear, untimely responses from counsel inevitably cause delays and increase costs.

1 The clerk is directed to amend the docket text for Plaintiff's motion (Dkt. No. 43) to strike  
2 "unopposed" and to RE-NOTE this motion for June 17, 2025, as a 21-day motion under Local  
3 Rules W.D. Wash. LCR 7(d).

4 Notwithstanding this re-noting, in the interest of resolving this issue as efficiently as  
5 possible, the Court directs Jackson to file a statement of non-opposition as soon as practicable, if  
6 he does not in fact oppose Plaintiff's motion. The other Defendants who have indicated their non-  
7 opposition to Plaintiff (Dkt. No. 44-2) need not file any additional statement of non-opposition  
8 with the Court.

9 Dated this 28th day of May, 2025.

10   
11 \_\_\_\_\_

12 Kimberly K. Evanson  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24